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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,304	11/20/2001	Debashis Haldar	1776	4837

28005 7590 09/12/2005  
SPRINT  
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KSOPHT0101-Z2100  
OVERLAND PARK, KS 66251-2100

EXAMINER

SUAZO, RAINIER A

ART UNIT PAPER NUMBER

2144

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/998,304

Applicant(s)

HALDAR ET AL.

Examiner

Rainier Suazo

Art Unit

2144

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 22 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the ~~proposed amendment(s)~~ <sup>Request for Reconsideration</sup>: a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.

Claim(s) objected to: NONE.

Claim(s) rejected: 1-6 and 8-26.

Claim(s) withdrawn from consideration: NONE.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

MARC D. THOMPSON  
*MARC THOMPSON*  
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:  
In response to the prior art rejections, Applicant argues that:

- a) The References Do Not Relate Keywords to Subjects. Examiner disagrees. Herz assignment or classification of documents is responsive, at least in part, to keywords (see Herz in column 13 line 9-11). Moreover, Herz extensively and expressively relates keywords to areas of interest of the user; see for example, from column 15, line 34 to column 16, line 1 [wherein it is clear that the keywords (e.g. Kennedy and JFK) are selected because they relate to the same topic]. Furthermore, in column 15 lines 4-11 the attributes used to determine the association between objects (e.g. digital documents) and ancillary objects is defined establishing a link between attributes and objects. Applicant is encouraged to consider the references as a whole and in combination as presented in the rejection.
- b) The References Do Not Establish a Keyword Threshold. Examiner disagrees. Examiner clarifies that Herz taught the evaluation of TF (term frequency) measures that are intrinsically based on keywords (column 13 lines 5-17) and later taught a similarity measure (that is how close an object is to the user's interest in a particular topic) clearly dependent, at least in part, on key word counts (TF) (column 15 lines 25-34) and later taught matching objects based on the determined closeness to the user's interest (buyers and sellers) based on a threshold of similarity (column 17 lines 10-24); such similarity based on keywords. It is appreciated that even though Herz is matching buyers and seller, such sellers are presented to the user in the form of electronic documents. Therefore the keyword threshold is at least suggested since keywords are part of the composite measure used to determine the similarity.
- c) The References Do Not Cap The Keyword Count to a Predetermined Maximum Number of Keywords. Examiner disagrees. Examiner clarifies that Bates taught the use of a threshold to trigger a notification to a user, indicating that a document has changes that are measured above the threshold (abstract, column 11 lines 32-40 and column 12 lines 40-55).
- d) The Invention Provides a Unique Combination of Values as a Measure of User's Interest in a Given Subject. Examiner disagrees. Herz taught or at least suggest utilizing the list of documents having a number of documents (column 11 lines 42-43) and Eichstaedt expressly taught the use of a total number of documents representing a numeric value (Eichstaedt: column 11 lines 51-56). Therefore the combination taught a numeric value representing the documents visited or sent to the user. Herz further taught pages satisfying a threshold on a particular subject as explained above using Herz teachings found in (column 13 lines 5-17, column 15 lines 25-34 and column 17 lines 10-24). Herz further taught the use of the actual count value of keywords in column 13 lines 5-9.

The submitted arguments fail to simplify the issues for under consideration for appeal.

The newly presented arguments merely add new arguments (e.g. page 9 paragraph 2) that were already present in the claims, and repeat previously presented and addressed arguments.

MARC D. THOMPSON  
  
PRIMARY EXAMINER